

## **REMARKS**

Applicant appreciates the Examiner's thorough review of the present application, and the withdrawal of the finality of the previous rejection. Applicant respectfully requests reconsideration of the pending claim in light of the following remarks. In this regard, claims 1-4 and 29-32 remain in this application, and claim 21 has been canceled herein.

### **Rejection of claims 1, 2, and 29 under 35 USC § 103(a) as being unpatentable over Nicholson et al. (US patent 6,150,996) in view of Ludtke et al. (US patent 6,501,441)**

The Office Action rejected independent claim 1 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. patent 6,150,996 to Nicholson in view of U.S. patent 6,501,441 to Ludtke. For at least the reasons that follow, Applicant respectfully requests reconsideration of this rejection.

Claim 1 of the present application recites:

1. An image display system comprising:  
a host for executing an application, the host comprising a pre-processor for packetizing image data of the application; and  
a display connected to the host, the display displaying an image, wherein said host transfers packetized image data to the display, said display includes a panel control processor for processing the packetized image data and a panel memory for storing processed image data, wherein the processed image data in the panel memory is displayed as the image, *wherein the packetized image data comprises a header identifying the panel control processor* and a body including the image data.

(Emphasized above.) Claim 1 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above. In this regard, claim 1 expressly requires that the image data transferred from the host to the display comprise a header identifying the panel control processor. This feature is neither disclosed, taught, nor suggested by any of the applied references.

As correctly noted in page 5 of the Office Action, Nicholson et al. is silent

about the packet of information having a specific header that identifies the panel control processor. The Office Action, however, alleged that the above-identified feature is disclosed by Ludtke et al. In fact, Ludtke teaches a master device 22 sending a configuration command to inform the display device which image section it is responsible for. However, Ludtke **is silent on** whether the configuration command might be used to identify a specific CPU 106 of the display device. Indeed, as set forth in col. 19, lines 37-42, Ludtke states that the purpose of the configuration command is to initiate the presentation of the video stream on the multiple display configuration, instead of identifying the CPU 106 as presently claimed.

The Office Action further cited col. 4, lines 15-35 of the Ludtke reference to support the assertion in its rejection. However, the address value of the data packet taught by Ludtke, which corresponds to a memory location within the appropriate display device, **is not** “a header identifying a panel processor” as presently recited in claim 1.

All display devices of the presently claimed embodiments may receive image data, but only those display devices having the panel control processor identified in the header display the image data. In contrast, the image data stream for each display device taught by Ludtke is transmitted over a separate isochronous channel (col. 4, lines 12-13 of the Ludtke reference). Therefore, Ludtke teaches using “different channels” to dictate which display device receives the image data being transferred instead of “the header with panel processor identifying function” as presently claimed.

Accordingly, and even assuming (for the sake of argument) that the teachings of Nicholson and Ludtke were properly combined, the resulting device would still fail to disclose or teach every limitation of claim 1. As a result, a *prima facie* case of obviousness has not been established by the Office Action, and the 35 USC §103(a) rejection as to claim 1 should be withdrawn. Claims 2-4 depend from independent claim 1 and are thus patentable as well.

The Office Action also rejected independent claim 29 under 35 U.S.C. §

103(a) as allegedly unpatentable over the combination of Nicholson in view of Ludtke. For at least the reasons that follow, Applicant respectfully requests reconsideration of this rejection.

Independent claim 29 recites:

29. An image display device comprising:  
a panel for displaying an image;  
an image data receiving means for receiving image data from a host device which executes an application;  
a plurality of panel control processors, coupled to said image data receiving means, for processing said image data received from said image data receiving means and displaying a processed image on said panel, *wherein said image data comprises a header identifying a first panel control processor from among the plurality of panel control processors*; and  
a panel memory coupled to said image data receiving means for storing the processed image data.

*(Emphasized above.)* Claim 29 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above. In this regard, the feature emphasized above loosely corresponds to the distinguishing feature of claim 1, which has been discussed above. Therefore claim 29 patently defines over the cited art for at least the reasons discussed above in connection with claim 1. As claims 30-32 depend from independent claim 29, these claims patently define over the cited art for at least the same reasons.

As a separate and independent basis for the patentability of independent claims 1 and 29 (and therefore all claims), Applicant respectfully traverses the rejections as failing to identify a proper basis for combining the cited references. In combining these references, the Office Action stated only that the combination would have been obvious “because packetized image data provides for robust data transmission in digital format resulting in reduced data transmission errors and the capabilities for data error corrections.” (Office Action, page 5). This alleged

motivation is clearly improper in view of well-established Federal Circuit precedent.

It is well-settled law that in order to properly support an obviousness rejection under 35 U.S.C. § 103, there must have been some teaching in the prior art to suggest to one skilled in the art that the claimed invention would have been obvious. W.L. Gore & Associates, Inc. v. Garlock Thomas, Inc., 721 F.2d 1540, 1551 (Fed. Cir. 1983). More significantly,

"The consistent criteria for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this [invention] should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. ..." Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure... In determining whether such a suggestion can fairly be gleaned from the prior art, the full field of the invention must be considered; for the person of ordinary skill in the art is charged with knowledge of the entire body of technological literature, including that which might lead away from the claimed invention."

*(Emphasis added.)* In re Dow Chemical Company, 837 F.2d 469, 473 (Fed. Cir. 1988).

In this regard, Applicants note that there must not only be a suggestion to combine the functional or operational aspects of the combined references, but that the Federal Circuit also requires the prior art to suggest both the combination of elements and the structure resulting from the combination. Stiftung v. Renishaw PLC, 945 Fed.2d 1173 (Fed. Cir. 1991). Therefore, in order to sustain an obviousness rejection based upon a combination of any two or more prior art references, the prior art must properly suggest the desirability of combining the particular elements to derive an image display system, as claimed by the Applicant.

When an obviousness determination is based on multiple prior art references, there must be a showing of some "teaching, suggestion, or reason" to combine the references. Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 1579, 42 USPQ2d 1378, 1383 (Fed. Cir. 1997) (also noting that the "absence of such a suggestion to combine is dispositive in an obviousness determination").

Evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. See In re Dembiczak, 175 F.3d 994, 1000, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be “clear and particular.” Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617.

If there was no motivation or suggestion to combine selective teachings from multiple prior art references, one of ordinary skill in the art would not have viewed the present invention as obvious. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); Gambro Lundia AB, 110 F.3d at 1579, 42 USPQ2d at 1383 (“The absence of such a suggestion to combine is dispositive in an obviousness determination.”).

Significantly, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. Winner Int'l Royalty Corp. v. Wang, No 98-1553 (Fed. Cir. January 27, 2000).

For at least the additional reason that the Office Action failed to identify proper motivations or suggestions for combining the various references to properly support the rejections under 35 U.S.C. § 103, those rejections should be withdrawn.

## **CONCLUSION**

In light of the above remarks, all objections and rejections having been addressed, it is therefore respectfully requested that claims 1-4 and 29-32 be allowed

so that the entire case may be passed to early issuance. If there are any remaining issues to be resolved, the applicant requests that the Examiner contact the undersigned attorney for a telephone interview.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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